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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,859	04/05/2004	Alain Poupart	250-IUS	1827
7590 08/07/2006				
Alain Poupart 271 Rue Letourneau St-Constant, QC J5A 2A6 CANADA		EXAMINER FIGUEROA, ADRIANA		
		ART UNIT PAPER NUMBER 3637		

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,859	Applicant(s) POUPART ET AL.	
	Examiner Adriana Figueroa	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/05/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

- a. Species 1 - Figures 1-8, 12
- b. Species 2 – Figures 9-11

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

During a telephone conversation with Mr. Alain Poupart on June 27, 2006 a provisional election was made without traverse to prosecute the invention of Species 1, claims 1 - 13. Affirmation of this election must be made by applicant in replying to this

Office action. Claims 14-16 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

2. The abstract of the disclosure is objected to because of the use of the word "comprising" in line 4. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 6, 8 and 11 recite the limitation "front surface". There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitations "upper edge" and "lower edge". There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Deming (U.S. 2004/0172901).

Regarding claim 9, Deming discloses an insulating base (116) for a siding panel (110) having parallel, relatively wide, inner (114) and outer (118) surfaces joined by

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relatively narrow top (122) and bottom (120) edge surfaces; the edge surfaces extending outwardly and downwardly from the inner surface to the outer surface; interlocking means (136, 137) provided on both edge surfaces inwardly spaced from both the inner and outer surfaces (see annotated Figure 1B).

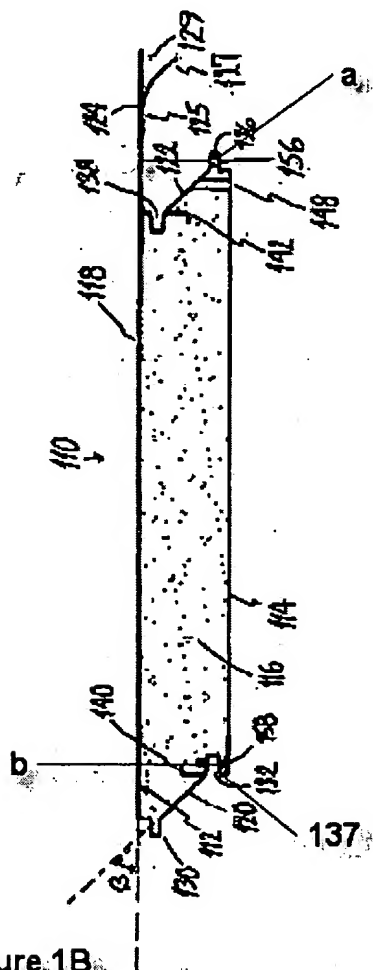


Figure 1B

Deming (U.S 2004/0172901)

Regarding claim 12, Deming discloses an insulated base wherein the interlocking means on each edge surface comprise a projecting tongue (136, 137) adjacent an inwardly directed slot (132, 156), the tongues and slots parallel to the inner

and outer surfaces, the tongue (136) on the upper edge (122) is nearest the outer surface (118) of the base while the slot (132) on the lower edge (120) is nearest the outer surface, the inner surface (a) of the top tongue (136) aligned with the outer surface (b) of the bottom tongue (137) (see annotated Figure 1B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 - 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deming (U.S. 2004/0172901) in view of Santarrosa (U.S. 5,987,835).

Regarding claim 1, Deming discloses an insulated, one-side finished, siding panel (110) light enough to be handled by one person during installation, the panel having: an inner, relatively thick, insulation base (116) and an outer, relatively thin, finish layer (118); the panel having inner (114) and outer (118) surfaces joined by top (122) and bottom (120) edges, with the outer surface of the panel formed by the outer surface of the finish layer (118); the top and bottom edges of the panel parallel and angled downwardly and forwardly from the inner surface; and interlocking means (136, 137) on both edges, for securely interlocking the edges of adjacent siding panels together, (see annotated Figure 1B). Deming does not disclose the finish layer comprising a stucco-

like material securely adhered to one surface of the insulation base. However, Santarrosa teaches a relatively thin, finish layer (9); the finish layer comprising a stucco-like material securely adhered to one surface of the insulation base, (Figure 8). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the siding panel of Deming to include the finish layer comprising a stucco-like material securely adhered to one surface of the insulation base as taught by Santarrosa to produce a weatherproof, lightweight finished surface.

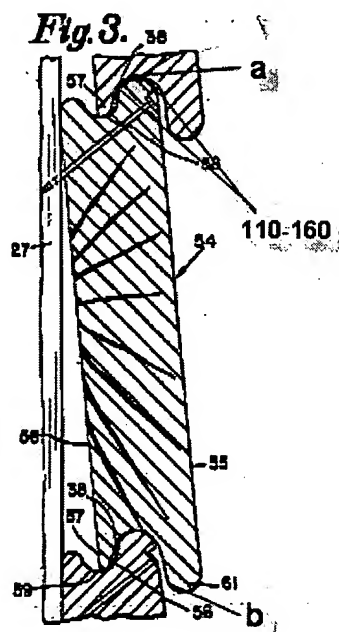
Regarding claim 2, Deming discloses a siding panel wherein the interlocking means on each edge surface comprise a projecting tongue (136, 137) adjacent an inwardly directed slot (132, 156), the tongues and slots parallel to the inner and outer surfaces, (see annotated Figure 1B).

Regarding claim 3, Deming discloses a siding panel wherein the tongue (136) on the upper edge (122) is nearest the outer surface (118) of the base while the slot (132) on the lower edge (120) is nearest the outer surface, the inner surface (a) of the top tongue (136) aligned with the outer surface (b) of the bottom tongue (137).

6. Claims 4- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deming (U.S. 2004/0172901) in view of Santarrosa (U.S. 5,987,835) as applied to claim 1 above and further in view of MacDonald (U.S. 4,292,776).

Regarding claims 4 and 7, Deming modified by Santarrosa discloses as discussed above but does not teach a siding panel wherein the corners between the

outer surface of the panel and the top and bottom edges are scalloped to provide scalloped surfaces joining the outer surface to the top and bottom edges. However, MacDonald teaches a siding panel wherein the corners between the outer surface (55) of the panel and the top (a) and bottom (b) edges are scalloped to provide scalloped surfaces joining the outer surface to the top and bottom edges (see annotated Figure 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the siding panel of Deming and Santarrosa to include the scalloped surfaces joining the outer surface to the top and bottom edges as taught by MacDonald to allow for easier insertion.



MacDonald (U.S. 4,292,776)

Regarding claims 5, 6 and 8, Deming modified by Santarrosa discloses as discussed above but does not teach the top scalloped surface covering an arc, starting from the front surface, of between one hundred and ten degrees and one hundred and

sixty degrees or about one hundred and thirty five degrees. However, MacDonald teaches a siding panel wherein the scalloped surfaces are part circular in cross-section, the top scalloped surface (a) covering an arc, starting from the front surface, of between one hundred and ten degrees and one hundred and sixty degrees or about one hundred and thirty five degrees (see annotated Figure 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the siding panel of Deming and Santarrosa to include the scalloped surfaces joining the outer surface to the top and bottom edges as taught by MacDonald to allow for easier insertion.

7. Claims 10, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deming (U.S. 2004/0172901) in view of MacDonald (U.S. 4,292,776).

Regarding claim 10, Deming discloses as discussed in claim 9, but does not disclose an insulating base wherein the corners between the outer surface of the base and the top and bottom edges are scalloped to provide scalloped surfaces joining the outer surface to the top and bottom edges. However, MacDonald teaches an insulating base wherein the corners between the outer surface (55) of the base and the top (a) and bottom (b) edges are scalloped to provide scalloped surfaces joining the outer surface to the top and bottom edges (see annotated Figure 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the insulating base of Deming to include the scalloped surfaces

joining the outer surface to the top and bottom edges as taught by MacDonald to allow for easier insertion.

Regarding claim 11, Deming discloses as discussed above, but does not disclose an insulating base wherein the scalloped surfaces are part circular in cross-section, the top scalloped surface covering an arc, beginning at the front surface, of between one hundred and ten degrees and one hundred and sixty degrees. However, MacDonald teaches an insulating base wherein the scalloped surfaces are part circular in cross-section, the top scalloped surface (a) covering an arc, starting from the front surface, of between one hundred and ten degrees and one hundred and sixty degrees (see annotated Figure 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the insulating base of Deming to include the scalloped surfaces joining the outer surface to the top and bottom edges as taught by MacDonald to allow for easier insertion.

Regarding claim 13, Deming discloses an insulated base wherein the interlocking means on each edge surface comprise a projecting tongue (136, 137) adjacent an inwardly directed slot (132, 156), the tongues and slots parallel to the inner and outer surfaces, the tongue (136) on the upper edge (122) is nearest the outer surface (118) of the base while the slot (132) on the lower edge (120) is nearest the outer surface, the inner surface (a) of the top tongue (136) aligned with the outer surface (b) of the bottom tongue (137) (see annotated Figure 1B).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grieb (U.S. 4,774,794) teaches foam building blocks having interlocking means. Brisson (U.S. 6,305,142) teaches panels made of expanded polystyrene having scalloped edges. Schichijo (U.S. 4,372,090) teaches a tile with notched portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adriana Figueroa whose telephone number is 571-272-8281. The examiner can normally be reached on Monday-Friday 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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